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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 TEODOSO SERRANO MORENO,

12 Plaintiff,

13 vs.

14 MICHAEL J. ASTRUE,

15 Defendant.

CASE NO. 08CV1022 WQH (PCL)

ORDER GRANTING PLAINTIFF'S
MOTION TO PROCEED IN FORMA
PAUPERIS

16 HAYES, Judge:

17 Pending before the Court is Plaintiff's motion to proceed in forma pauperis. (Doc. # 2).

18 **DISCUSSION**

19 On June 6, 2008, Plaintiff Teodoso Serrano Moreno filed a Complaint for review of a final
20 decision of the Social Security Administration. (Doc. # 1). Plaintiff also filed the presently pending
21 motion to proceed in forma pauperis. (Doc. # 2).

22 **I. Motion to Proceed In Forma Pauperis**

23 All parties instituting a civil action, suit, or proceeding in a district court of the United States,
24 other than a petition for writ of habeas corpus, must pay a filing fee. 28 U.S.C. § 1914(a). An action
25 may proceed despite a party's failure to pay only if the party is granted leave to proceed in forma
26 pauperis. *See* 28 U.S.C. § 1915(a); *Rodriguez v. Cook*, 169 F.3d 1176, 1177 (9th Cir. 1999). "To
27 proceed in forma pauperis is a privilege not a right." *Smart v. Heinze*, 347 F.2d 114, 116 (9th Cir.
28 1965).

1 In his accompanying affidavit, Plaintiff states that he is not employed and earns approximately
2 \$658.67 per/month in social security benefits. Plaintiff does not own an automobile and does not own
3 other assets. Plaintiff was last employed in May of 2002, and does not have any dependents.

4 After considering Plaintiff's motion and the accompanying affidavit, the Court concludes that
5 Plaintiff is entitled to proceed in forma pauperis. Accordingly, Appellant's motion to proceed in
6 forma pauperis (Doc. # 2) is GRANTED.

7 **IT IS SO ORDERED.**

8 DATED: June 17, 2008

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10 **WILLIAM Q. HAYES**
11 United States District Judge
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